



**IT IS ORDERED as set forth below:**

**Date: February 12, 2016**

*Wendy L. Hagenau*

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**Wendy L. Hagenau  
U.S. Bankruptcy Court Judge**

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UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

IN RE:	:	CHAPTER 7
	:	
THE FESTIVITY GROUP, INC.,	:	CASE NO. 16-51054-WLH
	:	
Debtor.	:	

**ORDER ON TRUSTEE'S MOTION FOR AUTHORITY  
TO OPERATE BUSINESS OF DEBTOR**

On February 5, 2016, William J. Layng, as Chapter 7 Trustee ("Trustee") for the bankruptcy estate of The Festivity Group, Inc. ("Debtor"), filed his *Motion for Authority to Operate Business of Debtor and Request for Expedited Hearing* (Doc. No. 22) (the "Motion") seeking an order from the Court authorizing the Trustee to operate Debtor's business.

On February 8, 2016, the Court entered its *Order and Notice Regarding Motion for Authority to Operate Business of Debtor and Request for Expedited Hearing* [Doc. No. 26] (the "Order and Notice"), setting the Motion for hearing on February 11, 2016 (the "Hearing").

Counsel for Trustee asserts that he caused the Order and Notice to be served on the requisite parties in interest required by the Bankruptcy Rules. [Doc. No. 27].

On February 9, 2016, Peachtree Battle Immobilien-Anlage Gesellschaft, MBH (the “Peachtree Battle Landlord”) filed an objection [Doc. No. 28] (the “Objection”) to the Motion.

Trustee, Trustee’s accountant, Trustee’s counsel, the United States Trustee, counsel for IberiaBank, successor in interest to Georgia Commerce Bank (“IberiaBank”), counsel for the Peachtree Battle Landlord, counsel for Debtor, and counsel for the Regency Center, all appeared and participated or had an opportunity to participate at the Hearing.

Having reviewed the Motion and the Objection; having considered the statements made at the Hearing; based on the reasons set forth on the record at the Hearing; and for good cause shown, it is hereby

**ORDERED** that the Motion is **GRANTED**, and that the Trustee is authorized to operate Debtor’s business. It is further

**ORDERED** that Trustee shall timely file all reports required under 11 U.S.C. § 704(a)(8). It is further

**ORDERED** that Trustee is authorized to use the proceeds resulting from the sale of Debtor’s inventory in the ordinary course of business (the “Proceeds”) to pay the reasonable and necessary expenses to operate the Debtor’s business, and such expenses shall include at a minimum, (i) rent for the Debtor’s Roswell Road location, (ii) rent for Debtor’s Homewood, Alabama location, (iii) rent for the Debtor’s warehouse facility at Defoor Hills Road, (iv) wages for employees, (v) utilities, (vi) all applicable taxes, (vii) insurance, and (viii) expenses previously advanced by Trustee’s accountant (each an “Expense” and collectively, the “Expenses”). It is further

**ORDERED** that Trustee is authorized on a monthly basis to use the Proceeds to pay each individual Expense in an amount no greater than \$2,500.00 per individual Expense without further order of the Court or notice to creditors. It is further

**ORDERED** that Trustee is authorized on a monthly basis to use the Proceeds to pay each individual Expense in amounts greater than \$2,500.00 per individual Expense, if: (a) counsel for Trustee sends an email to: (i) counsel for IberiaBank and (ii) the United States Trustee (the "Notice Email") providing notice of the amount of the expense that exceeds \$2,500 and the proposed payee; and (b) neither counsel for IberiaBank nor the United States Trustee emails a written objection ("Emailed Objection") to counsel for Trustee within two business days of counsel for Trustee sending the Notice Email. If an Emailed Objection is sent by either the United States Trustee or IberiaBank, then the Court shall hold a hearing on the Emailed Objection following an appropriate pleading filed by Trustee and notice to IberiaBank and the United States Trustee. It is further

**ORDERED** that Trustee is authorized to use or close any of the Debtor's bank accounts and transfer such funds to the Trustee's account for the bankruptcy estate of Debtor. It is further

**ORDERED** that Trustee is authorized to pay Regency Center \$3,998.26 for the pro-rata, January 2016 rent and \$8,263.07 for the February 2016 rent for the post-petition rent that has accrued for the use of Debtor's Roswell Road location. It is further

**ORDERED** that Trustee is authorized to pay MEWS Development Company \$2,419.36 for the pro-rata, January 2016 rent and \$5,000.00 for the February 2016 rent for the post-petition rent that has accrued for the use of Debtor's warehouse facility at Defoor Hills Road. It is further

**ORDERED** that Trustee is authorized to pay Bryant 1925, LLC \$3,532.29 for the pro-rata, January 2016 rent and \$7,300.00 for the February 2016 rent for the post-petition rent that has accrued for the use of Debtor's Homewood, Alabama location. It is further

**ORDERED** that the Court shall retain jurisdiction over the interpretation or the implementation of this Order. It is further

**ORDERED** that Trustee shall pay the pro-rated January 2016 and February 2016 rents to the Regency Center, Bryant 1925, LLC, and MEWS Development Company as soon as funds become available. It is further

**ORDERED** that Trustee shall operate the Debtor at its Roswell Road; Homewood, Alabama; and Defoor Hills Road locations in accordance with the terms of the respective lease, unless otherwise agreed to by the respective landlord.

**[END OF DOCUMENT]**

**Order prepared and presented by:**

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**No opposition to entry by:**

Guy G. Gebhardt  
Acting United States Trustee  
Region 21

By: /s/ Martin P. Ochs (with express permission by Michael J. Bargar)

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**Identification of parties to be served:**

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